

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB2689

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron Pollard

3. Committee Passed Both Houses

4. Title Offshore blind stake sites; penalty.

5. Summary/Purpose:

The bill establishes provisions by which the owners of land adjoining the public waters on the Counties of Stafford, Prince William, and Fairfax, or their lessees or permittees, may erect stationary blinds on their shoreline and in the public waters in front of their property. The penalty for violation of the act is increased from a fine of not less than \$50 nor more than \$250 or by confinement in jail for not more than 30 days, or both, to a Class 2 misdemeanor. The bill also removes the prohibition on hunting migratory waterfowl from floating blinds in the waters of Caroline, Essex, King George, Richmond, and Westmoreland Counties, and in portions of creeks, streams, and bays flowing into the Rappahannock and Potomac Rivers, through the establishment of an offshore blind stake site license. The cost of a stake site license is \$5 and there is a limit of four stake site licenses per applicant. The bill describes the various siting requirements and times when the stake sites license has to be obtained and by whom. The penalty for violation of this act is also increased from a fine of not less than \$50 nor more than \$250 or by confinement in jail for not more than 30 days, or both, to a Class 2 misdemeanor.

6. Fiscal Impact Estimates are: Final. See item 8, below.

7. Budget amendment necessary: No.

8. Fiscal implications:

The bill establishes a new Class 2 misdemeanor penalty. The punishment for a Class 2 misdemeanor is confinement in jail for not more than six months and a fine of not more than \$1,000, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail. Revenue generated from such fines is deposited to the Literary Fund. Any revenue impact will depend on the number of convictions.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost

Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

Any expenditure impact to the court system will be dependent on the number of hearings. Any impact the legislation may have on jail inmate population is unknown. According to the Department of Game and Inland Fisheries, the proposed legislation will not have a fiscal impact on that agency.

9. Specific agency or political subdivisions affected: Department of Game and Inland Fisheries, court system, jails.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 03/04/05/tmw

Document: G:\2005 Session\Legislation\Hb2689ER.Doc

cc: Secretary of Natural Resources